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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,324	11/23/2001	Tadashi Ichida	SIC-01-007	3390
7590 02/08/2005				
JAMES A. DELAND DELAND LAW OFFICE P.O Box 69 Klamath River, CA 96050-0069		EXAMINER JOHNSON, VICKY A		
		ART UNIT 3682		PAPER NUMBER

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,324

Applicant(s)

ICHIDA, TADASHI

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 and 29-33 is/are allowed.
- 6) ☐ Claim(s) 1-7, 13-28, and 34-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 24, 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13, 18, 20-28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ethington (US 5,681,234) in view of Browning (US 5,261,858).

Ethington discloses an apparatus for controlling a first bicycle transmission and a second bicycle transmission which, in combination, sets a speed stage of the bicycle, comprising: a transmission position communication path for communicating information indicating the operational position of the first transmission and the second transmission (col. 9 lines 1-25); a transmission command communication path for communicating information for controlling the operation of the first transmission and the second transmission (col. 8 lines 1-12); a shift command communication path for

Art Unit: 3682

communicating electronic shift commands to select a speed stage of the bicycle (col. 11 lines 31-37); a transmission control unit (72) operatively coupled to the shift command communication path, to the transmission position communication path and to the transmission command communication path for receiving the shift commands and the information indicating the operational position of the first transmission and the second transmission and for generating the information for controlling the operation of the first transmission and the second transmission (col. 9 line 1 – col. 10 line 66), and wherein for at least one shift command requesting a shift from an origin speed stage to a destination speed stage that requires the operation of both the first transmission and the second transmission, the first transmission and the second transmission are set temporarily in a speed stage outside of a range between the origin speed stage and the destination speed stage (see Table II, to go from speed range 5 at a ratio of 2.16 to a speed range 8 at a ratio of 2.86, the rear transmission must first engage speed range 4 at a ratio of 2.00, which is outside of the range 2.16 to 2.86; also see col. 13 lines 18-22).

Ethington does not disclose that the transmission control unit receives at least one shift command requesting a shift through N speed stages to a destination speed stage, where N is an integer greater than one, the transmission control unit generates information for causing the first transmission and the second transmission in combination to move a total of M times to reach the destination speed stage, where M is an integer less than N.

Browning discloses a shift through N speed stages to a requested destination speed stage in a range where all speed stages are available (see Table 10), where N is an integer greater than one, for causing the first transmission and the second transmission in combination to move a total of M times to move to a different destination speed stage (col. 22 lines 4-11, a shift from 6 to 4 would be  $N=2$  and  $M=1$ , the requested shift is 4, but since the shift from 6 to 4 is illegal the shift is made from 6 to 3, which according to table 10 requires the second transmission to only shift down so that M equals 1), where M is an integer less than N (see Tables 1 and 10, and col. 4 line 47 – col. 5 line 68).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Ethington to include a shift through N speed stages to a destination speed, for causing the first and second transmission to move a total of M times to reach the destination speed as taught by Browning in order to provide the fastest possible shift between any two gears (col. 4 line 47 – col. 5 line 68).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to disregard the operation of both the first transmission and the second transmission being set temporarily in a speed stage outside of a range between the origin speed stage and the destination speed stage when moving from the origin speed stage to the requested destination speed stage, since it has been held that the omission of a step or an element and its function is obvious if the function is not desired. See MPEP 2144.04; and *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

Re claims 2 and 23, Ethington shows the information for controlling the operation of the first transmission and the second transmission comprises a first signal for operating a front derailleur and a second signal for operating a rear derailleur (col. 10 lines 15-19).

Re claim 3 and 24, Ethington shows the transmission control unit comprises a table memory for storing a table containing the information for controlling the operation of the first transmission and the second transmission (col. 9 lines 37-49).

Re claims 4 and 25, Browning shows the first transmission moves to X first transmission positions, wherein the second transmission moves to Y second transmission positions, wherein X any Y both are integers greater than 1 (see Tables 1 and 10), and Ethington shows the table memory contains information for controlling the operation of at least one of the first transmission and the second transmission for each X first transmission position and for each Y second transmission position (col. 9 lines 37-49).

Re claims 5 and 26, Ethington shows the table memory contains information for moving only one of the first transmission and the second transmission by only one of the corresponding first transmission positions and second transmission positions to reach the destination speed stage in response to a shift command requesting a shift through N speed stages to reach the destination speed stage (col. 24 line 48 – col.25 line 44).

Re claims 6 and 27, Ethington shows the table memory contains information for controlling the operation of at least one of the first transmission and the second

Art Unit: 3682

transmission for shift commands requesting a shift through a single speed stage and for shift commands requesting a shift through N speed stages (col. 24 line 48 – col.25 line 44).

Re claims 7 and 28, Ethington shows the table memory contains information for maintaining both the first transmission and the second transmission stationary in response to a shift command requesting a shift through N speed stages to reach the destination speed stage (col. 24 line 48 – col.25 line 44).

Re claims 13 and 34, Ethington shows a manually operated shift control unit operatively coupled to the shift command communication path (col. 7 lines 13-49).

Re claim 18 Ethington shows a manually-operated shift control unit operatively coupled to the shift command communication path (col. 7 lines 13-49); a speed sensor (82) operatively coupled to a speed communication path (col. 8 lines 13-22); and an automatic shift control unit operatively coupled to the speed communication path and to the shift command communication path for automatically generating shift commands based on information received from the speed sensor (col. 7 line 50 – col. 8 line 32).

Re claim 20, Ethington shows a plurality of front sprockets (24); a front derailleur (36) for moving a chain among the plurality of front sprockets; a front derailleur motor (48) for moving the front derailleur; a plurality of rear sprockets (34); a rear derailleur (38) for moving the chain among the plurality of rear sprockets; a rear derailleur motor (54) for moving the rear derailleur; a front derailleur position sensor (134) for providing a signal indicating a front sprocket position of the front derailleur; a rear derailleur position sensor (134') for providing a signal indicating a rear sprocket position of the rear

Art Unit: 3682

derailleur; wherein the front sprocket position of the front derailleur and the rear sprocket position of the rear derailleur set a speed stage of the bicycle transmission (col. 10 line 33 – col. 11 line 29); a transmission position communication path operatively coupled to the front derailleur position sensor and to the rear derailleur position sensor for communicating the signals indicating the front sprocket position and the rear sprocket position (col. 10 line 33 – col. 11 line 29); a transmission command communication path operatively coupled to the front derailleur motor and to the rear derailleur motor for communicating information for controlling the operation of the front derailleur motor and the rear derailleur motor (col. 8 lines 1-12); a shift command communication path for receiving shift commands to set a desired speed stage (col. 11 lines 31-37); a transmission control unit (72) operatively coupled to the shift command communication path, to the transmission position communication path and to the transmission command communication path for receiving the shift commands and the signals indicating the front sprocket position and the rear sprocket position and for generating the information for controlling the operation of the front derailleur motor and the rear derailleur motor (col. 9 line 1 – col. 10 line 66); and Browning shows and renders obvious the transmission control unit receives at least one shift command requesting a shift through N speed stages to a destination speed stage, where N is an integer greater than one, the transmission control unit generates information for causing the front derailleur and the rear derailleur in combination to move a total of M sprocket positions to reach the destination speed stage, where M is an integer less than N (see Tables 1 and 10, and col. 4 line 47 – col. 5 line 68).

Re claim 21, Ethington shows a change of gear ratio when the front derailleur moves from a first front sprocket to a second front sprocket is approximately equal to twice a change of gear ratio when the rear derailleur moves from a first rear sprocket to a second rear sprocket (see Table III; from A-1 to B-1 = .43; from A-1 to A-2 = .24).

Re claim 22, Ethington shows a method for controlling a first bicycle transmission and a second bicycle transmission which, in combination, sets a speed stage of the bicycle, comprising the steps of: receiving, by a transmission control unit, information indicating the operational position of the first transmission and the second transmission (col. 10 line 33 – col. 11 line 29); and generating, by the transmission control unit, information for causing the first transmission and the second transmission in combination to move (col. 9 line 1 – col. 10 line 66) a total of M times to reach the destination speed stage; and Browning shows and renders obvious receiving, by the transmission control unit, at least one shift command requesting a shift through N speed stages to a destination speed stage, wherein N is an integer greater than one (see Tables 1 and 10, and col. 4 line 47 – col. 5 line 68).

4. Claims 14-16 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ethington (US 5,681,234) in view of Browning (US 5,261,858) as applied to claims 1-7, 13, 18, 20-28 and 34 and further in view of Colbert et al (US 5,213,548).

Ethington shows a control unit as described above, but does not disclose a speed sensor operatively coupled to a speed communication path.

Colbert et al show a speed sensor (56) operatively coupled to a speed communication path (col. 6 lines 14-28); and an automatic shift control unit operatively coupled to the speed communication path and to the shift command communication path for automatically generating shift commands based on information received from the speed sensor (col. 2 lines 24-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control unit of Ethington to include a speed sensor as taught by Colbert et al in order to improve efficiency (col. 3 lines 24-28).

Re claim 15, Colbert et al show the automatic shift control unit generates shift commands based on bicycle speed (col. 3 lines 1-6).

Re claim 16, Colbert et al show the automatic shift control unit generates shift commands based on bicycle acceleration (col. 8 line 60 – col. 9 line 8).

Re claim 35, Colbert et al show receiving, by an automatic shift command unit, information from a speed sensor (56); and automatically generating shift commands based on information received from the speed sensor (col. 2 lines 24-29).

Re claim 36, Colbert et al show the automatic shift control unit generates shift commands based on bicycle speed (col. 3 lines 1-6).

Re claim 37, Colbert et al show the automatic shift control unit generates shift commands based on bicycle acceleration (col. 8 line 60 – col. 9 line 8).

5. Claims 17, 19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ethington (US 5,681,234) in view of Browning (US 5,261,858) as applied to claims 1-7, 13, 18, 20-28 and 34 above, and further in view of Spencer et al (US 6,047,230).

Ethington discloses the control unit as described above, but does not disclose a cadence sensor operatively coupled to a cadence communication path; and an automatic shift control unit operatively coupled to the cadence communication path and to the shift command communication path for automatically generating shift commands based on information received from the cadence sensor.

Spencer et al shows a cadence sensor (24) operatively coupled to a cadence communication path (col. 6 lines 6-12); and an automatic shift control unit (21) operatively coupled to the cadence communication path and to the shift command communication path for automatically generating shift commands based on information received from the cadence sensor (col. 6 line 66 – col. 7 line 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the automatic control unit of Ethington to include a cadence sensor as taught by Spencer et al in order to increase efficiency and safety (col. 2 lines 1-7).

Re claim 19, Ethington shows a manually-operated shift control unit operatively coupled to the shift command communication path (col. 7 lines 13-49); and Spencer et al show and render obvious a cadence sensor (24) operatively coupled to a cadence communication path (col. 6 lines 6-12); and an automatic shift control unit operatively coupled to the cadence communication path and to the shift command communication path for automatically generating shift commands based on information received from the cadence sensor (col. 6 line 66 – col. 7 line 8).

**Allowable Subject Matter**

6. Claims 8, 9, 10-12, 29, 30 and 31-33 are allowed.

***Response to Arguments***

Some further comments regarding the Applicant's remarks are deemed appropriate.

The applicant argues that neither the Ethington reference nor the Browning reference meets the limitations of the claims because the claims have been amended so as to disregard the operation of both the first transmission and the second transmission being set temporarily in a speed stage outside of a range between the origin speed stage and the destination speed stage when moving from the origin speed stage to the requested destination speed stage, but the MPEP states that the omission of a step or an element and its function is obvious if the function is not desired. See MPEP 2144.04; and *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668 or (571) 272-7099. The

Art Unit: 3682

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vicky A. Johnson  
Examiner  
Art Unit 3682

2/4/05